REMARKS

Claims 1, 3-5, 7-9, 11-13, 15-17, 19-21, 23 and 24 are all of the pending claims, with claims 1, 5, 9, 13, 17 and 21 being written in independent form. By virtue of this Amendment, Applicants cancel claims 2, 6, 10, 14, 18 and 22 without prejudice or disclaimer.

The Examiner continues to reject claims 1-24 under 35 USC §102(e) as being anticipated by US Patent Application Publication No. 2003/0147346 to Kanakubo ("Kanakubo"); and claims 1, 5, 9, 13, 17 and 21 under 35 USC §102(e) as being anticipated by US 7,167,443 to Dantu et al. ("Dantu"). Applicants respectfully traverse all of these rejections in view of the following remarks.

I. Independent Claims 1, 9 and 17:

The Kanakubo Reference

In the previous response, Applicants pointed out that each of claims 1, 9 and 17 recites (albeit using different language) the feature of detecting a failure along an *"ingress region"* of a primary path. Kanakubo is simply not pertinent. This is because, as clearly shown in Fig. 1 (which is the portion of the reference asserted by the Examiner), the "fault occurrence a1" occurs in the normal LSP **between** the intermediate router LSR-F 3 and the destination router LSR 6. Thus, Kanakubo's disclosed fault occurs **outside** of the ingress region between the source router LSR-P 1 and the neighboring router LSR 2 and does **not** involve the neighboring router LSR 2.

In response, the Examiner counters that the claims do not recite "exactly where" the failure occurs, or what consists of an "ingress region." While that may be so, such a definition is not required in the claims, so long as it is clear that the ingress region is not taught by Kanakubo. Moreover, the Examiner's interpretation of the term "ingress region" as meaning the region of the path between an intermediate router and a destination router is unreasonable, and inconsistent with the plain meaning of the words and the definition, i.e., the explanation provided by the Applicant for the term "ingress region."

Furthermore, each of claims 1, 9 and 17 recites (albeit in different formats) that the device re-routes traffic and uses a forwarding table. That is, the device performing the re-route and the device using the forwarding table are **one in the same**. Thus, Kanakubo, which uses multiple devices to re-route and use the forwarding table, is simply not pertinent. On the one hand, and with reference to Fig. 1 of Kanakubo, the intermediate router LSR-F 3 retrieves and

uses an LSP fault indication retrieval table (compared by the Examiner to the claimed forwarding table). On the other hand, the source router LSR-P 1 re-routes traffic based on the content of a fault indication message a3 from the intermediate router LSR-F 3. Certainly then, Kanakubo's routers LSR-F 3 and LSR-P 1 are **two separate and distinct devices**.

<div align="center">The Dantu Reference</div>

Applicants amend claims 1, 9 and 17 by respectively incorporating the subject matter of claims 2, 10 and 18. Accordingly, each of claims 1, 9 and 17 recites (albeit in different formats) the feature of allowing traffic to travel along the primary path when the failure is no longer detected. Dantu is simply not pertinent to this feature, as recognized by the Examiner.

II.   Independent Claims 5, 13 and 21:

<div align="center">The Kanakubo Reference</div>

In the August 19, 2007 response, Applicants pointed out that each of claims 5, 13 and 21 recite (albeit using different language) the feature of re-routing traffic from a primary path to an alternate path with devices that maintain the same quality of service as the primary path. Applicants still believe that Kanakubo is not pertinent for at least the reasons presented in the previous response. For example, Kanakubo does not disclose such an alternate path. Nowhere in the excerpts relied on by the Examiner is there mention of a quality of service (QoS) with respect to an alternative path, nor is maintenance of the same QoS implied by a "predefined static LSP," as the Examiner so alleges.

Claims 5 and 21 are also believed patentable because each one recites (albeit using different language) that the device re-routes traffic and uses a forwarding table. That is, the device performing the re-route and the device using the forwarding table are **one in the same**. Thus, Kanakubo, which uses multiple devices to re-route and use the forwarding table, is simply not pertinent. On the one hand, and with reference to Fig. 1 of Kanakubo, the intermediate router LSR-F 3 retrieves and uses an LSP fault indication retrieval table (compared by the Examiner to the claimed forwarding table). On the other hand, the source router LSR-P 1 re-routes traffic based on the content of a fault indication message a3 from the intermediate router LSR-F 3. Certainly then, Kanakubo's routers LSR-F 3 and LSR-P 1 are **two separate and distinct devices**.

Claim 13 is also believed patentable because it recites (as amended) a method that involves receiving a failure message, and then re-routing traffic using a forwarding table. That is, the forwarding table is used **after** receiving the failure message. Kanakubo is not pertinent because it in fact teaches a reverse sequence of steps. Specifically, and with reference to Fig. 1 of Kanakubo, the intermediate router LSR-F 3 detects a fault occurrence a1, uses an LSP fault indication retrieval table (compared by the Examiner to the claimed forwarding table), and prepares and forwards a fault indication message a3 to the source router LSR-P 1. Subsequently, the source router LSR-P 1 receives the message a3 and re-routes traffic. Thus, according to Kanakubo's disclosure, the table is used before (not after) receipt of the failure message.
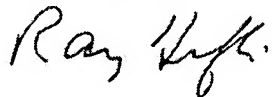
The Dantu Reference

Applicants amend claims 5, 13 and 21 by respectively incorporating the subject matter of claims 6, 14 and 22. Accordingly, each of claims 5, 13 and 21 recites (albeit in different formats) the feature of allowing traffic to travel along the primary path when the failure is no longer detected. Dantu is simply not pertinent to this feature, as recognized by the Examiner.

Conclusion

As demonstrated above, each of independent claims 1, 5, 9, 13, 17 and 21 recite features that are practically and conceptually different than each of Kanakubo and Dantu. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the raised anticipation rejections.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 CFR § 1.16 or under 37 CFR § 1.17; particularly, extension of time fees.

Respectfully submitted,

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